

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KENNETH LOFTON,

Plaintiff,

v.

THE CITY OF EAST PALO ALTO,

Defendant.

No. C 08-03853 CW (PR)

ORDER OF DISMISSAL WITHOUT  
PREJUDICE

Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983. On September 5, 2008, mail directed to Plaintiff by the Court was returned to the Clerk of the Court with a notation that it was undeliverable. To date, Plaintiff has not updated his address with the Court or submitted any further pleadings in this case.

Pursuant to Northern District Local Rule 3-11 a party proceeding pro se whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. See L.R. 3-11(a). The court may, without prejudice, dismiss a complaint when: (1) mail directed to the pro se party by the court has been returned to the court as not deliverable, and

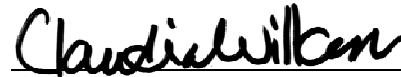
1 (2) the court fails to receive within sixty days of this return a  
2 written communication from the pro se party indicating a current  
3 address. See L.R. 3-11(b).

4 More than sixty days have passed since the mail directed to  
5 Plaintiff by the Court was returned as undeliverable. The Court  
6 has not received a notice from Plaintiff of a new address.  
7 Accordingly, the complaint is DISMISSED without prejudice pursuant  
8 to Rule 3-11 of the Northern District Local Rules.

9 The Clerk of the Court shall enter judgment in accordance with  
10 this Order, terminate all pending motions, and close the file.

11 IT IS SO ORDERED.

12 Dated: 10/28/08



13 CLAUDIA WILKEN  
14 UNITED STATES DISTRICT JUDGE  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

KENNETH LOFTON et al,

Case Number: CV08-03853 CW

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

THE CITY OF EAST PALO ALTO et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 28, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Kenneth Lofton #86970  
San Mateo County Jail  
300 Bradford St.  
Redwood City, CA 94063

Dated: October 28, 2008

Richard W. Wieking, Clerk  
By: Sheilah Cahill, Deputy Clerk

United States District Court  
For the Northern District of California